

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WARREN E. BELL,

Plaintiff,

v.

DAVID OLSON, *et al.*,

Defendants.

CASE NO. C21-0781-JCC-SKV

ORDER

This matter comes before the Court on Plaintiff Warren Bell's objection (Dkt. No. 58) to the report and recommendation ("R&R") of the Honorable S. Kate Vaughan, United States Magistrate Judge (Dkt. No. 56), and his objection to Judge Vaughan's order denying his motion for leave to amend his complaint (Dkt. No. 54). Having thoroughly considered the parties' briefing and the relevant record, the Court hereby ADOPTS the R&R (Dkt. No. 56), OVERRULES Plaintiff's objections (Dkt. Nos. 54, 58), and DENIES Plaintiff's Motion for Relief (Dkt. No. 50) for the reasons explained below.

Plaintiff, proceeding *pro se*, filed a 42 U.S.C. § 1983 complaint in Snohomish County Superior Court (Dkt. No. 1-2) against Trooper David Olson and Nurse Autumn Kostelecky, and against the Snohomish County Jail and Snohomish County Risk Management, which Defendants removed to this Court. (Dkt. No. 1.) Plaintiff later moved to amend his complaint, seeking to omit the original County Defendants and to add Snohomish County and Snohomish County

1 Deputy Prosecuting Attorney Hayley Bigoni as Defendants. (Dkt. No. 41.) Judge Vaughan
2 denied that motion, finding the proposed amendment futile. (Dkt. No. 46 at 12.) Plaintiff then
3 moved for relief from the judgment (Dkt. No. 50) and filed an objection (Dkt. No. 54) to the
4 order denying his motion to amend. Judge Vaughan recommended Plaintiff's motion for relief be
5 denied because her denial did not present a final judgment, order, or proceeding as is required
6 under Federal Rule of Civil Procedure 60(b). (Dkt. No. 56 at 3.) Plaintiff objected to that R&R.
7 (Dkt. No. 58.)

8 *De novo* review of a magistrate judge's R&R is not required when a party fails to direct
9 the Court to a specific error. *United States v. Diaz-Lemus*, 2010 WL 2573748, slip op. at 1 (D.
10 Ariz. 2010); *see also Djelassi v. ICE Field Office Director*, 434 F. Supp. 3d 917, 919 (W.D.
11 Wash. 2020) (district courts only review *de novo* "those portions of the report and
12 recommendation to which specific written objection is made"). While *pro se* litigants are held to
13 a more lenient standard, *see Erickson v. Pardus*, 551 U.S. 89, 94 (2007), that does not excuse
14 them from making proper objections, *see, e.g., Carter v. Commissioner*, 784 F.2d 1006, 1008
15 (9th Cir. 1986) ("Although *pro se*, he is expected to abide by the rules of the court in which he
16 litigates.").

17 Here, Plaintiff's objection to the R&R (Dkt. No. 58) is unresponsive. He does not argue
18 that Judge Vaughan's earlier order was a final judgment, order, or proceeding. (*See generally id.*)
19 Instead, he focuses on evidence he wishes to use in his case against David Olson. (*Id.*) Because
20 this was not the issue addressed in the R&R, Plaintiff has not lodged a proper objection to the
21 R&R. Therefore, the court considers it unopposed.

22 Nor is Plaintiff's objection to Judge Vaughan's earlier denial (Dkt. No. 54) responsive to
23 that order. Instead, he points to the loss of evidence that he believed would cure the defect Judge
24 Vaughan identified in her order. (*Id.*) But as Judge Vaughan stated in her R&R, "the order did
25 not preclude Plaintiff from again seeking to amend with a sufficient claim." (Dkt. No. 56 at 3.)
26 That would be entirely different from objecting to a well-reasoned R&R with irrelevant

1 arguments.

2 For the foregoing reasons:

3 (1) The Court APPROVES and ADOPTS the R&R (Dkt. No. 56).

4 (2) Plaintiff's objection (Dkt. No. 58) to the R&R is OVERRULED.

5 (3) Plaintiff's motion for relief (Dkt. No. 50) from the order denying his motion to amend
6 his complaint (Dkt. No. 46) is DENIED.

7 (4) Plaintiff's objection (Dkt. No. 54) to the order denying his motion to amend his
8 complaint (Dkt. No. 46) is OVERRULED.

9 (5) The Clerk is DIRECTED to send copies of this Order to the parties and to Judge
10 Vaughan.

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12 DATED this 25th day of April 2022.

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A handwritten signature in black ink, reading "John C. Coughenour", written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE